

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

White Cap Construction Supply, Inc.,

CASE NO. 07cv2064WOH

Plaintiff, | ORDER

vs.

The Domain Name *oceanographical.com*, in
rem, TierraNet, Inc., Domain Name Registrar,

Defendant

HAYES, Judge:

The matter before the Court is Plaintiff's Motion to Enter Default Judgment (Doc. # 13).

On October 17, 2007, Plaintiff filed a Complaint Against Domain Name in rem to Transfer Domain Name Under the Anticyber-squatting Consumer Protection Act, 15 U.S.C. § 1125(d). (Doc. #1). The Complaint sought an order “directing TierraNet, the domain name registrar, to transfer the domain name registration and ownership of the domain name *whitecap.com* to plaintiff permanently” and cost of suit. (Doc. #1 at 6).

On January 29, 2008, the Clerk of the Court entered an order of default on the grounds that the Defendant withdrew the answer. Plaintiff now moves the Court to enter default judgment “to transfer the domain name whitecap.com to Plaintiff.” (Doc. # 13 at 1).

RULING OF THE COURT

Pursuant to the order of default, Defendant TierraNet is deemed to have admitted the well-pleaded averments of the Complaint, other than damages. Fed. R. Civ. P. 8(b)(6). The

1 well-pleaded averments of the Complaint support a finding that Esrey/oceanographical.com
2 registered the domain name *whitecap.com* with a bad faith intent to profit from the mark. 15
3 U.S.C. Section 1125(d)(1)(A). The Anticybersquatting Consumer Protection Act provides that
4 the Court may order transfer of the domain name to the owner of the mark. 15 U.S.C. Section
5 1125(d)(1)(C).

6 IT IS HEREBY ORDERED that Plaintiff's Motion to Enter Default Judgment (Doc.
7 # 13) is granted. Plaintiff shall submit a proposed default judgment for signature by the Court
8 within ten days of this order.

9 DATED: August 27, 2008



10 **WILLIAM Q. HAYES**
11 United States District Judge

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